

STATUTES

The following are selected Nebraska statutes relating to technology, including the NITC and the Chief Information Officer statutes. To view all Nebraska statutes, go to the [Nebraska Unicameral Web site](#).

[PDF](#) version of this page.

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1. [OCIO - Information Management Services](#)
2. [OCIO - Division of Communications](#)
3. [OCIO - Public Safety Communications](#)
4. [NITC, Technical Panel, and CIO](#)
5. [OCIO - Intergovernmental Data Services](#)
6. [NITC - GIS Council](#)
7. [Network Nebraska Related](#)
8. [Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006](#)

OCIO - Information Management Services

81-1116. Information management services division; administrator; qualifications; pay.

The information management services division shall be headed by an administrator. Any person who has successfully completed a four-year program at an accredited four-year college or university and who has not less than four years total experience in information management services, of which not less than one year shall have been experience as the supervisor of an information management entity in government or private enterprise and not less than two years shall have been experience as a systems analyst or with principal responsibility for systems development or supervision, or both, may be appointed information management services administrator by the Chief Information Officer. Successful completion of training courses covering the functions, programming, operations, and systems development aspects of information management equipment may be accounted as experience in direct proportion to the number of weeks of course work completed. The rate of pay for the information management services administrator shall be fixed by the Chief Information Officer subject to availability of appropriations. The information management services administrator shall have the power to select and manage such staff and supervise the operation of such equipment as he or she may require.

Source:Laws 1965, c. 518, § 16, p. 1701; Laws 1967, c. 595, § 4, p. 2028; Laws 1967, c. 593, § 5, p. 2019; Laws 1969, c. 804, § 10, p. 3038; Laws 1998, LB 924, § 35; Laws 2006, LB 921, § 3.

81-1116.01. Budget allowance; expend; restriction.

No department, commission, board or agency of state government may spend any money beyond its budget allowance without specific authority from the Legislature.

Source:Laws 1967, c. 367, § 3, p. 959.

81-1116.02. Information management services division; purpose.

The purpose of the information management services division is to provide centralized, coordinated, and efficient information management services to all state agencies and to prevent unnecessary duplication of information management operations and applications in state government.

Source:Laws 1981, LB 381, § 35; Laws 1998, LB 924, § 36.

81-1117. Information management services administrator; powers, duties, and responsibilities; enumerated; restrictions on agency acquisitions; Information Management Revolving Fund; created; investment.

(1) As used in this section, unless the context otherwise requires, information management includes, but is not limited to:

- (a) Mainframe computers, minicomputers, microprocessors, word processors, and desktop computers;
- (b) Any peripheral device to be used with the equipment listed in subdivision (1)(a) of this section for such

purposes as data input and output, data storage, or data communications;

(c) Any code or program to control the operation of the equipment or devices listed in subdivision (1)(a) or (1)(b) of this section; and

(d) Employment of professional expertise for computer system design, operations, or program development.

(2) Subject to review and approval by the Chief Information Officer, the information management services administrator shall have the following powers, duties, and responsibilities:

(a) He or she may review the accounting and other records and reporting systems of all divisions within the Department of Administrative Services and within every other department and agency of the state;

(b) He or she shall systematically review the potential application of information management to any work performed outside the information management services division or by any department or agency of the state or any subdivision of any department or agency of the state, and if the costs of mechanizing such work will not exceed present costs or if efficiencies may be achieved, he or she may accept responsibility for the performance of such work. He or she may also review computer applications being used to determine if revision or deletion of computer applications would be beneficial. The findings of reviews made pursuant to this subdivision shall be reported to the Governor and the Legislative Fiscal Analyst. The findings submitted to the Legislative Fiscal Analyst shall be submitted electronically;

(c) He or she may, with the approval of the Chief Information Officer, make such revisions to internal systems for production of accounting and other reports as may be necessary to permit economical undertaking of work to be performed by the information management services division for any agency or department of the state;

(d) He or she shall organize the information management services division to provide system review, system design, feasibility studies, and machine reviews;

(e) He or she may review the operations of information management installations as may exist in any department or agency of the state and may cause such operations to be merged with those of the information management services division in the event that a cost analysis shows that economic advantage may be achieved. He or she may permit the establishment of departmental or agency information management operations in any department or agency of the state if his or her analysis of feasibility shows a potential economy or a substantial convenience for the state incident to such separate establishment. No state agency shall hire, purchase, lease, or rent any information management item listed in subsection (1) of this section without the written approval of the information management services administrator. All new computer programs developed or acquired for use with information management equipment of any state agency shall be documented according to standards developed or approved by the information management services administrator;

(f) He or she shall prepare a budget in sufficient time in advance of the statutory date for submittal of budget requests by departments and agencies of the state as to permit each department and agency for which services are performed, or are to be performed during the request budget period, to be informed of the cost of maintaining the current fiscal year's production work for inclusion within their respective budget requests;

(g) He or she shall provide for a system of charges for services rendered by the information management services division to any other department or agency of the state when these charges are allocable to a particular project carried on by such department or division. Such standard rate charges shall, as nearly as may be practical, reflect the actual costs incurred in the performance of services for such department or agency. Such system of charges shall be annually reviewed by the Legislature's Committee on Appropriations. Rates planned for the coming fiscal year shall be included in the instructions for completion of budget request forms as annually prepared by the Department of Administrative Services budget division. If rate revisions are required during the fiscal year to reflect changes in the information management services division's operating costs, these revisions shall be announced to state agencies at least thirty days prior to their use in billing these agencies for service. Miscellaneous supplies shall be billed to using agencies at actual cost. Equipment used primarily by one agency for special applications shall be billed to that agency at actual cost. In the event of saturation of the information management services division with the resulting need for contractual support to be furnished by another information management installation, agencies shall be billed at actual cost. The charges received by the department for information management services shall be credited to a fund hereby created which shall be known as the Information Management Revolving Fund. Expenditures shall be made from such fund to finance the operations of the information management services division in accordance with appropriations made by the Legislature. Any money in the Information Management Revolving Fund available for investment shall be invested by the state investment

officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act;

(h) He or she may provide information management services and technical assistance to any subdivision of government as provided for under the Interlocal Cooperation Act or the Joint Public Agency Act;

(i) He or she shall provide for the centralization of all administrative work, including that of educational institutions, into the information management services division;

(j) He or she shall provide definitions of standards and common data elements, coordinate the collection of data, consolidate data files or data banks, and review and approve or disapprove the establishment of separate data banks; and

(k) He or she shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521.

Each member of the Legislature shall receive an electronic copy of the report required by subdivision (2)(b) of this section by making a request for it to the administrator.

Source:Laws 1965, c. 538, § 17, p. 1703; Laws 1969, c. 804, § 11, p. 3039; Laws 1969, c. 584, § 108, p. 2413; Laws 1975, LB 472, § 1; Laws 1979, LB 560, § 1; Laws 1981, LB 381, § 28; Laws 1995, LB 7, § 118; Laws 1998, LB 924, § 37; Laws 1999, LB 87, § 95; Laws 2002, LB 1105, § 506; Laws 2006, LB 921, § 4; Laws 2012, LB782, § 188.

Operative Date: July 19, 2012

Cross References

- Interlocal Cooperation Act, see section 13-801.
- Joint Public Agency Act, see section 13-2501.
- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

Annotations

- This section held not applicable to the Board of Regents which cannot delegate its constitutional powers and duties to other officers or agencies. Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977).

81-1117.01. Imprest Payroll Distributive Fund; created; use.

The Imprest Payroll Distributive Fund is created. The fund shall be used for the purpose of coordinating and expediting the payment of the salary and wages of the officers and employees of the various departments and agencies of the state. The fund shall be administered by the Accounting Administrator.

Each officer, agency, board, or commission of the state shall prepare its payroll in accordance with policies, procedures, and schedules established by the director.

The director may debit the appropriate programs and funds of each of the agencies, boards, and commissions of the state for the total amount of the payroll based upon the input provided by the agencies and credit the Imprest Payroll Distributive Fund with an identical amount. The director shall make payments from the Imprest Payroll Distributive Fund by warrant or by electronic funds transfer for the net amount of salaries or wages due each individual and to payroll-deduction vendors according to schedules established by the director. The director may make payments from the Imprest Payroll Distributive Fund to the federal government if required by federal regulations for the federal share of retirement accounts for terminating employees pursuant to section 84-1321. Payroll records provided by the director shall disclose all expenditures and payroll deductions attributable to each payroll.

Source:Laws 1972, LB 1467, § 1; Laws 1984, LB 933, § 16; Laws 1986, LB 930, § 3; Laws 1989, LB 255, § 1; Laws 1995, LB 311, § 1; Laws 2000, LB 1216, § 28.

81-1117.02. Computer file data; release prohibited; written approval for release excepted; public records excepted.

(1) Neither the information management services administrator, the Chief Information Officer, nor any employee of such administrator or officer shall release or permit the release of any data maintained in computer files to any person or persons without the express written approval of both the agency primarily responsible for collection and maintenance of such data and the employee to whom such data pertains, except as provided in subsection (2) of this section.

(2) Any data which is a public record in its original form shall remain a public record when maintained in computer files and shall be provided to the Legislative Fiscal Analyst pursuant to section 50-420 and shall be made available to the Auditor of Public Accounts solely for use in the performance of audits prescribed by law.

Source:Laws 1975, LB 472, § 2; Laws 1979, LB 414, § 4; Laws 1979, LB 193, § 1; Laws 1998, LB 924, § 38; Laws 2006, LB 921, § 5.

81-1117.03. Computer file data; release; violations; penalties.

Any public official or employee who shall violate the provisions of section 81-1117.02 shall be guilty of a Class II misdemeanor and shall be subject to removal from office or discharge in the discretion of the Governor or agency head as appropriate.

Source:Laws 1975, LB 472, § 3; Laws 1977, LB 39, § 304.

81-1117.04. Computer file data; public records defined.

Except as otherwise provided by law, public records shall mean all papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound recordings, or other documents, regardless of physical form, including records produced by or for use with electronic or mechanical data processing devices, and which have been or shall be created or received by any agency or its lawful successor or official thereof in the exercise of his office or in the conduct, transaction, or performance of any business, duty, or function pursued in accordance with law, but shall not include library or museum material made or acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience or reference, and stock of publications and reproduced documents.

Source:Laws 1975, LB 472, § 4.

81-1117.05. State employee; payment of wages; methods authorized.

The Department of Administrative Services may make payments that include, but are not limited to, wages and reimbursable expenses to state employees by electronic funds transfer or a similar means of direct deposit. For purposes of this section, state employee means any person or officer employed by the state who works a full-time or part-time schedule on an ongoing basis.

Source:Laws 2001, LB 308, § 1; Laws 2009, LB167, § 2.

OCIO - Division of Communications

81-1120.01. Communications system; declaration of legislative purpose.

The Legislature hereby declares that an efficient and reliable communications system is vital to the state during the conduct of regular business of the state and in times of emergency and that substantial economies can be effected by joint use of a consolidated communications system by departments, agencies, and subdivisions of state government. It is, therefor, declared to be the purpose of sections 23-1715, 81-1108.02, 81-1120.01 to 81-1120.03, 81-1120.15 to 81-1120.28, and 81-1423 and the policy of the state to provide for the continual development of an efficient and reliable communications system for joint use by departments, agencies, and subdivisions of state government, to effect maximum practical consolidation and joint use of existing communications facilities and services owned or used by the state, and generally to coordinate all communications functions and activities of state government.

Source:Laws 1967, c. 572, § 1, p. 1879; Laws 1975, LB 427, § 3; Laws 1984, LB 1125, § 4; Laws 1986, LB 965, § 21.

81-1120.02. Terms, defined.

As used in sections 81-1120.01 to 81-1120.29, unless the context otherwise requires:

- (1) Director means the Director of Communications;
- (2) Division means the division of communications of the office of Chief Information Officer;
- (3) Communications system means the total communications facilities and equipment owned, leased, or used

by all departments, agencies, and subdivisions of state government; and

(4) Communications means any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

Source:Laws 1967, c. 572, § 2, p. 1880; Laws 1971, LB 675, § 3; Laws 1975, LB 427, § 4; Laws 1984, LB 1125, § 5; Laws 1986, LB 965, § 22; Laws 2000, LB 893, § 2; Laws 2006, LB 921, § 6; Laws 2011, LB378, § 26.

81-1120.03. Office of Chief Information Officer; division of communications; creation; Director of Communications; appointment; qualifications.

There is hereby created, within the office of Chief Information Officer, a division of communications to be headed by the Director of Communications. The Chief Information Officer shall appoint as Director of Communications any person who has not less than six years' experience in a position or positions which include responsibility for management, purchase, lease, or control of communications for a private or governmental enterprise. No person shall hold the position of director who is directly or indirectly interested in any communications common carrier or other company engaged in the furnishing of communications services or facilities, but investment in stock of a communications common carrier in an amount determined by the Chief Information Officer to be not significant shall not be considered disqualifying.

Source:Laws 1967, c. 572, § 3, p. 1880; Laws 1971, LB 675, § 4; Laws 1975, LB 427, § 5; Laws 2000, LB 893, § 3; Laws 2006, LB 921, § 7.

81-1120.04. Transferred to section 81-1120.17.

81-1120.05. Transferred to section 81-1120.18.

81-1120.06. Transferred to section 81-1120.19.

81-1120.07. Transferred to section 81-1120.20.

81-1120.08. Transferred to section 81-1120.22.

81-1120.09. Transferred to section 81-1120.23.

81-1120.10. Transferred to section 81-1120.24.

81-1120.11. Transferred to section 81-1120.25.

81-1120.12. Transferred to section 81-1120.26.

81-1120.13. Transferred to section 81-1120.27.

81-1120.14. Transferred to section 81-1120.28.

81-1120.15. Director of Communications; powers, duties, and responsibilities.

The Director of Communications shall have the following powers, duties, and responsibilities:

(1) To provide the Legislature and the Governor technical assistance, advice, and information concerning the financial and administrative operations of the communications systems of all agencies of the state;

(2) To provide the Legislature and the Governor recommendations for dealing with financial, management, and organizational problems affecting the communications systems and services of the state, its departments and agencies. The recommendations submitted to the Legislature shall be submitted electronically;

(3) To make inquiries of the agencies as to their communications charges and prepare cost comparisons to insure that uniformity, efficiency, and equality be achieved within the communications system;

(4) To make recommendations to the agencies pertaining to revisions to internal systems as may be necessary to promote frugality and economy in the communications system; and

(5) To provide services such as system review, system design, feasibility studies, equipment reviews, and for long-range planning and management service within the division of communications.

Source:Laws 1975, LB 427, § 6; Laws 1979, LB 322, § 50; Laws 1981, LB 545, § 33; Laws 2012, LB782, § 189.

Operative Date: July 19, 2012

81-1120.16. Director of Communications; powers and duties; investigation; report.

It shall be the duty of the director to consult each department, office, board, bureau, commission, or institution in the state for which money is to be appropriated and expended for communications services, equipment, or facilities, including the executive and judicial departments, state colleges, university, and

state institutions. The director shall make or cause to be made under his or her supervision an investigation to determine whether the appropriations are being judiciously and economically expended for the purposes for which they were made and shall transmit to the Governor, the Legislative Fiscal Analyst, and the expending agency a complete report of each such investigation. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. In making such investigations he or she shall, at all reasonable times, have access to the offices of all state departments, boards, bureaus, commissions, and institutions and may, for the purpose of obtaining information as to the operation and communications needs thereof, examine the books, papers, and public records therein, and the agencies shall, through their proper officers, furnish such data, information, or statements as may be requested of them.

Source:Laws 1975, LB 427, § 7; Laws 2006, LB 921, § 8; Laws 2012, LB782, § 190.

Operative Date: July 19, 2012

81-1120.17. Division of communications; powers and duties.

The division of communications shall have the following duties, powers, and responsibilities:

- (1) To coordinate the purchase, lease, and use of communications services equipment and facilities for state government;
- (2) To advise departments and agencies of the state and political subdivisions thereof as to systems or methods to be used to meet requirements efficiently and effectively;
- (3) To provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521;
- (4) To consolidate and integrate radio communications systems and services of state agencies so far as practical and to provide for their joint use by the agencies;
- (5) To consolidate telephone and telephone-related activities, so far as practical, and to provide for their joint use by the agencies;
- (6) To assume management responsibility for any consolidated system or service and approve all purchases and contracts for such communications activities;
- (7) To enter into agreements for the mutual support and use of communications services of the agencies and departments of state government and its political subdivisions;
- (8) To provide for the rendering of mutual aid between state government and its political subdivisions and to cooperate with other states and the federal government with respect to the organizing of communications in expediting the carrying out of mutual aid in disasters, emergencies, and civil defense emergencies under the Emergency Management Act;
- (9) To use or acquire communications facilities now owned or operated by any state agency and to compensate such agency when appropriate;
- (10) To standardize policies and procedures for the use of such services in such a manner that communications systems in the domain of public safety or security not be compromised;
- (11) To assume responsibility for the maintenance and repair of state-owned communications facilities so far as practical;
- (12) To coordinate and consolidate maintenance and repair procedures and facilities so far as possible in the light of good business practice and the requirements of the agencies and departments concerned;
- (13) Subject to the conditions provided in section 81-1120.19, to contract with qualified suppliers and communications common carriers for communications facilities or services, including private-line services;
- (14) To apply for, receive, coordinate, and hold or, if appropriate, assist agencies in applying for, receiving, or holding such authorizations, licenses, and allocations of channels and frequencies as are necessary to carry out the purposes of sections 81-1120.01 to 81-1120.03 and 81-1120.15 to 81-1120.28;
- (15) To acquire real estate, equipment, and other property as an agency of the state, subject to the provisions of section 81-1120.19;
- (16) To cooperate with the Nebraska Emergency Management Agency as to its needs for emergency communications services; and

(17) To insure that communications facilities are not used for any purpose which is contrary to the policy and intent of sections 81-1120.01 to 81-1120.03 and 81-1120.15 to 81-1120.28 or contrary to the laws and agreements under which the facilities are to be utilized.

Source:Laws 1967, c. 572, § 4, p. 1881; R.R.S.1943, § 81-1120.04; Laws 1975, LB 427, § 8; Laws 1996, LB 43, § 50; Laws 1998, LB 924, § 39; Laws 2002, LB 1105, § 507.

Cross References

- Emergency Management Act, see section 81-829.36.

81-1120.18. Division of communications; form advisory boards; expenses.

The division of communications may form temporary advisory boards to provide advice in the development, management, administration, and operation of a consolidated communications system to meet the communications requirements of all departments and agencies of state government. Board members shall be selected by the division and shall receive no compensation for duties performed as members of a board, but shall be reimbursed for actual expenses incurred while engaged in the performance of their duties under the provisions of sections 23-1715, 81-1108.02, 81-1120.01 to 81-1120.03, 81-1120.15 to 81-1120.28, and 81-1423 as provided in sections 81-1174 to 81-1177 for state employees.

Source:Laws 1967, c. 572, § 5, p. 1882; R.R.S.1943, § 81-1120.05; Laws 1975, LB 427, § 9; Laws 1981, LB 204, § 190; Laws 1981, LB 381, § 32; Laws 1984, LB 1125, § 6; Laws 1986, LB 965, § 23.

81-1120.19. Division of communications; powers; limitation.

The division shall have authority to purchase or lease communications facilities, services, or channels on terms which are for the best interests of the State of Nebraska. In making the decision as to what proposal is for the best interests of the state, the decision of the division shall be based upon, but not necessarily limited to, (1) the total cost to the state, computed in accordance with accepted governmental cost-accounting procedures taking into account taxes to be paid or foregone, interest rates, and obsolescence; (2) the quality of the service offered; (3) the comprehensiveness of the proposed facilities or plan; (4) the financial responsibility of the supplier or carrier submitting the proposal; (5) the repair and maintenance capabilities of the supplier or carrier; (6) the experience as a communications carrier or supplier, as applicable; and (7) the alternate methods or facilities available. The powers conferred by this section shall be subject to the condition that, except for existing state-owned facilities, the division shall obtain all telecommunications service as defined in section 86-121 from telecommunications carriers that are certificated or permitted by, or registered with, the Public Service Commission for any area in which such services are rendered. Any purchase or lease, except from such telecommunications carriers, made by the division shall be made through the materiel division of the Department of Administrative Services pursuant to the functions, powers, and duties of such division.

Source:Laws 1967, c. 572, § 6, p. 1883; Laws 1971, LB 675, § 5; R.R.S.1943, § 81-1120.06; Laws 1975, LB 427, § 10; Laws 2002, LB 1105, § 508; Laws 2003, LB 112, § 1.

Cross References

- Telecommunications carriers, certification and permit requirements, see sections 86-128 and 86-129.

81-1120.20. Joint use of communications; departments; agencies; cooperation.

Personnel of all departments, offices, and agencies of state government shall cooperate and assist to the maximum extent possible in the consolidation, redistribution, and joint use of communications systems and services used by and under the direction of such departments or agencies and shall coordinate all communications services or facilities procurement through the Director of Communications.

Source:Laws 1967, c. 572, § 7, p. 1883; R.R.S.1943, § 81-1120.07; Laws 1975, LB 427, § 11.

81-1120.21. Repealed. Laws 1994, LB 948, § 1.

81-1120.22. Director of Communications; develop system of billings and charges; payment; deposit.

The Director of Communications shall develop a system of equitable billings and charges for communications services provided in any consolidated or joint-use system of communications. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for services to each department, agency, or political subdivision provided communications services. Using

agencies shall pay for such services out of appropriated or available funds. Prior to July 1, 2011, all payments shall be credited to the Communications Cash Fund. Beginning July 1, 2011, all payments shall be credited to the Communications Revolving Fund. Prior to July 1, 2011, all collections for payment of telephone expenses shall be credited to the Telephone Expense Revolving Fund which is hereby created. Beginning July 1, 2011, all collections for payment of telephone expenses shall be credited to the Communications Revolving Fund. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Telephone Expense Revolving Fund to the Communications Revolving Fund. On July 31, 2011, the Telephone Expense Revolving Fund shall terminate.

Source:Laws 1967, c. 572, § 8, p. 1883; Laws 1969, c. 584, § 109, p. 2416; Laws 1973, LB 431, § 1; Laws 1974, LB 1048, § 42; R.R.S.1943, § 81-1120.08; Laws 1975, LB 427, § 13; Laws 1995, LB 7, § 120; Laws 2011, LB378, § 27.

81-1120.23. Communications Cash Fund; established; purpose; investment.

There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. All funds received under such sections and all funds received for communications services provided to any agency, department, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Communications Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Communications Cash Fund to the Communications Revolving Fund. On July 31, 2011, the Communications Cash Fund shall terminate.

Source:Laws 1967, c. 572, § 9, p. 1883; Laws 1971, LB 675, § 6; Laws 1973, LB 431, § 2; R.R.S.1943, § 81-1120.09; Laws 1975, LB 427, § 14; Laws 1984, LB 1125, § 7; Laws 1986, LB 965, § 24; Laws 1992, LB 858, § 3; Laws 1994, LB 1066, § 103; Laws 2006, LB 921, § 9; Laws 2009, First Spec. Sess., LB3, § 71; Laws 2011, LB378, § 28.

Cross References

- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

81-1120.24. Nebraska educational television network; exempt from sections; when.

Sections 23-1715, 81-1108.02, 81-1120.01 to 81-1120.03, 81-1120.15 to 81-1120.28, and 81-1423 shall not apply to the Nebraska educational television network except for such services or assistance as may be mutually beneficial and agreed upon by and between the division of communications and the Nebraska Educational Television Commission. Under conditions of emergency declared by the Governor, the communications resources of the Nebraska educational television network shall be coordinated with the communications system, as directed by the Governor, so as to provide full use of available services in the rendering of public assistance and providing aid and protection to life and property.

Source:Laws 1967, c. 572, § 10, p. 1884; Laws 1971, LB 675, § 7; R.R.S.1943, § 81-1120.10; Laws 1975, LB 427, § 15.

81-1120.25. Emergency; Governor; direct assumption of control.

In the event of an emergency, the Governor may direct the assumption of control over all or part of the communications system pursuant to the Emergency Management Act.

Source:Laws 1967, c. 572, § 11, p. 1884; R.R.S.1943, § 81-1120.11; Laws 1975, LB 427, § 16; Laws 1996, LB 43, § 51.

Cross References

- Emergency Management Act, see section 81-829.36.

81-1120.26. Director of Communications; state or political subdivision; gifts, property; accept;

purpose; procedure.

The Director of Communications is hereby authorized to receive gifts, contributions, property and equipment from public or private sources to be utilized in providing communications services, and to participate with the federal government in carrying out programs for communications services within the State of Nebraska. Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, communications services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of communications system objectives, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor or executive officer or governing body of such political subdivision may authorize any officer of the state or such political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and rules and regulations, if any, of the agency making the offer.

Source:Laws 1967, c. 572, § 12, p. 1884; R.R.S.1943, § 81-1120.12; Laws 1975, LB 427, § 17.

81-1120.27. Telecommunications system; uses; member of Legislature; long-distance calls; how made.

(1) The facilities of the state's telecommunications systems are provided for the conduct of state business. In addition, the state's telecommunications systems, cellular telephones, electronic handheld devices, or computers may be used by state employees and officials for emails, text messaging, local calls, and long-distance calls to children at home, teachers, doctors, day care centers, baby-sitters, family members, or others to inform them of unexpected schedule changes, and for other essential personal business. Any such use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. A state employee or official shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication. The Department of Administrative Services may establish procedures for reimbursement of charges pursuant to this section.

(2) A member of the Legislature, while engaged in legislative business, may make personal long-distance calls on the state telecommunications system or by using his or her state credit card. At the end of every month upon the member's receipt of his or her long-distance call record, the personal long-distance calls shall be designated by the member and the member billed for such calls. Reimbursement to the state for such personal long-distance calls by the member shall be made within thirty days from the date of designation.

(3) A member of the Legislature, at his or her own sole discretion, may designate any long-distance call as sensitive or confidential in nature. If a long-distance call is designated as sensitive or confidential in nature, any long-distance call record used in an audit shall contain only the date the long-distance call was made and the cost of the call. In no case shall the person conducting the audit have access to a long-distance call number designated as sensitive or confidential in nature by the member without the written consent of the member. No calls made to or by a member of the Legislature which are sensitive or confidential in nature shall be required to be disclosed except that such calls shall be so designated by the member, and only the amount of the call and such designation shall be made available to a person conducting an audit.

For purposes of this subsection, sensitive or confidential in nature shall mean that either the member of the Legislature or the caller would reasonably expect that the nature or the content of the call would not be disclosed to another person without the consent of the member and the caller.

Source:Laws 1967, c. 572, § 13, p. 1885; R.R.S.1943, § 81-1120.13; Laws 1975, LB 427, § 18; Laws 1992, LB 722, § 3; Laws 1993, LB 579, § 3; Laws 2009, LB626, § 6.

81-1120.28. Communications system; not to function as news agency; information; privileged; exceptions.

The communications system and the director shall not function as a public information or news agency. Communications transmitted on or through the communications system shall be the privileged information of the sender and receiver; Provided, that this shall not prohibit the sender or receiver from releasing to others or to the public such information; and provided further, that in the event of an emergency, the Governor shall have the power to direct release of such information as he deems in the best interests of the state.

Source:Laws 1967, c. 572, § 14, p. 1885; R.R.S.1943, § 81-1120.14; Laws 1975, LB 427, § 19.

81-1120.29. Communications Revolving Fund; established; use; investment.

There is hereby established a revolving fund to be known as the Communications Revolving Fund. Beginning

July 1, 2011, appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. Beginning July 1, 2011, all funds received under such sections and all funds received for communications services provided to any agency, department, political subdivision, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Any money in the Communications Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 2011, LB378, § 29.

Cross References

- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

OCIO - Public Safety Communications

86-401. Act, how cited.

Sections [86-401](#) to [86-418](#) shall be known and may be cited as the Nebraska Public Safety Communication System Act.

Source:Laws 1999, LB 446, § 1; R.S.1943, (1999), § 86-1803; Laws 2002, LB 1105, § 208; Laws 2002, LB 1211, § 14; Laws 2005, LB 343, § 2; Laws 2006, LB 1061, § 14; Laws 2009, LB154, § 21.

86-402. Legislative findings.

The Legislature finds that:

- (1) During emergencies the resources of the state and its political subdivisions must be effectively directed to save lives, to protect property, and to meet the needs of its citizens;
- (2) Public safety agencies fulfill this unique and essential role;
- (3) Public safety agencies are only as effective as their ability to communicate. To adequately ensure public safety, such agencies require efficient, reliable communication systems which account for their unique role and the specialized needs that accompany such role;
- (4) There are presently radio communication systems used by public safety agencies during daily operations and emergencies that are deficient. Many of Nebraska's systems rely on inadequate equipment, are susceptible to communication interference, have limited coverage areas, operate under the constraints of a limited number of radio frequency channels, and lack coordination and the ability to interoperate among city, county, and other local users, state users, and federal users. Additionally, such systems presently do not allow for secure transmissions which are necessary for the protection and integrity of public safety communications;
- (5) Recent changes and advances in communication technology would increase the capability of public safety agencies to provide efficient and effective public safety services;
- (6) Investment in the public safety communication infrastructure is required to ensure the effectiveness of Nebraska's public safety agencies;
- (7) Regional approaches to communications planning and preparedness and the adoption of regional response structures should be used to develop and sustain interoperable communications. Local and state public safety agencies shall develop a comprehensive interoperable communications plan before receiving any state or federal funding to build, upgrade, enhance, or replace communication systems; and
- (8) A network of regional communication systems should balance the need for multiple simultaneous users while maintaining autonomy for the internal use of individual agencies. The objectives of such a network

should include maximizing resources and reducing duplication among public safety agencies as well as encouraging cooperation, coordination, consolidation, sharing, and partnerships between public agencies and private entities.

Source:Laws 1999, LB 446, § 2; R.S.1943, (1999), § 86-1804; Laws 2002, LB 1105, § 209; Laws 2002, LB 1211, § 15; Laws 2005, LB 343, § 3.

86-403. Definitions, where found.

For purposes of the Nebraska Public Safety Communication System Act, the definitions found in sections [86-407](#) and [86-408](#) apply.

Source:Laws 1999, LB 446, § 3; R.S.1943, (1999), § 86-1805; Laws 2002, LB 1105, § 210; Laws 2002, LB 1211, § 16; Laws 2005, LB 343, § 4.

86-404. Repealed. Laws 2005, LB 343, § 13.

86-405. Repealed. Laws 2005, LB 343, § 13.

86-406. Repealed. Laws 2005, LB 343, § 13.

86-407. Division, defined.

Division means the division of communications of the office of Chief Information Officer.

Source:Laws 2002, LB 1105, § 212; Laws 2006, LB 921, § 13.

86-408. Public safety agency, defined.

Public safety agency means any federal, state, or political subdivision entity which provides emergency and public safety services, including medical services, law enforcement services, fire management services, correctional services, and emergency and disaster relief services.

Source:Laws 2002, LB 1105, § 213.

86-409. Repealed. Laws 2005, LB 343, § 13.

86-410. Repealed. Laws 2005, LB 343, § 13.

86-411. Repealed. Laws 2005, LB 343, § 13.

86-412. Repealed. Laws 2005, LB 343, § 13.

86-413. Repealed. Laws 2005, LB 343, § 13.

86-414. Repealed. Laws 2005, LB 343, § 13.

86-415. Repealed. Laws 2005, LB 343, § 13.

86-416. Service agreement provisions; special tax; procedure.

(1) Notwithstanding any other provision of Nebraska law, any city, county, village, public power district, or fire protection district may enter into a service agreement with any joint entity created pursuant to the Interlocal Cooperation Act or any joint public agency created pursuant to the Joint Public Agency Act which owns or operates or proposes to own or operate any public safety communication project for obtaining communication services, including the use or right to use real or personal property included in any such project. This subsection shall not be construed to authorize any service agreements that conflict with the provisions for the sale or lease of dark fiber pursuant to sections [86-574](#) to [86-578](#).

(2) Any such service agreement may provide for the following:

(a) The payment of fixed or variable periodic amounts for service or the right to obtain service, including the

use or right to use real or personal property;

(b) That such service agreement may extend for a term of years as determined by the governing body of the city, county, village, public power district, or fire protection district and be binding upon such city, county, village, public power district, or fire protection district over such term of years;

(c) That fixed or variable periodic amounts payable may be determined based upon any of the following factors:

(i) Operating, maintenance, and management expenses, including renewals and replacements for facilities and equipment;

(ii) Amounts payable with respect to debt service on bonds or other obligations, including margins of coverage if deemed appropriate; and

(iii) Amounts necessary to build or maintain operating reserves, capital reserves, and debt service reserves;

(d) That any such service agreement may require payment to be made in the agreed fixed or variable periodic amounts irrespective of whether such public safety communication project or regional communication system is completed or operational and notwithstanding any suspension, interruption, interference, reduction, or curtailment of the services of such project or system; and

(e) Such other provisions as the parties to the service agreement deem appropriate in connection with providing and obtaining public safety communication service, including the acquisition of real and personal property, the construction of facilities, and the operation, maintenance, and management of services, property, and facilities.

(3) In order to provide for the payments due under such service agreement:

(a) Any city, county, village, or fire protection district may provide that payments may be made from a special tax levied for such purpose upon all taxable property within such city, county, village, or fire protection district, if determined appropriate by the governing body by a vote of three-fourths of the members of the governing body, if there are four or more members of such body, or by a vote of two-thirds of the members of the governing body, if there are less than four members of such body. The special tax shall for all purposes of Nebraska law, including limitations upon tax levies, budgets, revenue, and expenditures of public funds, have the same status as a tax levied for the purpose of paying the bonded indebtedness of such city, county, village, or fire protection district; and

(b) Any public power district may pledge the revenue of the district, subject to any existing pledges made for bonded indebtedness or borrowings from the United States or any other party and existing conditions relating to issuance of additional bonds or other indebtedness, and, if deemed appropriate by the governing body, the service agreement may have the status of revenue bond indebtedness issued pursuant to sections [70-631](#) to [70-635](#).

Source:Laws 2002, LB 1211, § 23; Laws 2005, LB 343, § 5.

Cross References

Interlocal Cooperation Act, see section [13-801](#).

Joint Public Agency Act, see section [13-2501](#).

86-417. Repealed. Laws 2006, LB 1061, § 29.

86-417.01. Repealed. Laws 2007, LB 322, § 42.

86-417.02. Repealed. Laws 2007, LB 322, § 42.

86-418. Standards; incentives.

The division shall develop and adopt technical and operational standards for any communication system acquired, developed, constructed, or replaced by any state agency or any city, county, village, public power district, fire protection district, or other political subdivision, including joint entities and joint public agencies created pursuant to the Interlocal Cooperation Act or Joint Public Agency Act. The division shall develop incentives to encourage regional cooperation in public safety communication throughout the state. The

division shall assist local communities and public safety agencies which desire to connect with a network of regional communication systems. Incentive alternatives may include financial incentives to encourage migration by communities to the network and to reward communities which coordinate efforts to form public safety communication centers. Such incentives shall not mandate migration by public safety agencies to the network.

Source:Laws 1999, LB 446, § 7; R.S.1943, (1999), § 86-1809; Laws 2002, LB 1105, § 218; Laws 2005, LB 343, § 7.

Cross References

Interlocal Cooperation Act, see section [13-801](#).

Joint Public Agency Act, see section [13-2501](#).

NITC, Technical Panel, and CIO

86-501. Act, how cited.

Sections 86-501 to 86-530 shall be known and may be cited as the Information Technology Infrastructure Act.

Source:Laws 1996, LB 1190, § 1; Laws 2000, LB 1349, § 3; R.S.Supp.,2000, § 81-1190; Laws 2002, LB 1105, § 271; Laws 2008, LB823, § 1; Laws 2010, LB1071, § 37.

86-502. Definitions, where found.

For purposes of the Information Technology Infrastructure Act, the definitions found in sections 86-503 to 86-511 apply.

Source:Laws 1996, LB 1190, § 2; Laws 2000, LB 1349, § 4; R.S.Supp.,2000, § 81-1191; Laws 2002, LB 1105, § 272.

86-503. Commission, defined.

Commission means the Nebraska Information Technology Commission.

Source:Laws 1998, LB 924, § 4; R.S.1943, (1999), § 86-1504; Laws 2002, LB 1105, § 273.

86-504. Department, defined.

Department means the Department of Administrative Services.

Source:Laws 2002, LB 1105, § 274.

86-505. Enterprise, defined.

Enterprise means one or more departments, offices, boards, bureaus, commissions, or institutions of the state for which money is to be appropriated for communications or data processing services, equipment, or facilities, including all executive, legislative, and judicial departments, the Nebraska state colleges, the University of Nebraska, and all other state institutions and entities.

Source:Laws 2002, LB 1105, § 275; Laws 2010, LB1071, § 38.

86-506. Enterprise project, defined.

Enterprise project means an endeavor undertaken by an enterprise over a fixed period of time using information technology, which would have a significant effect on a core business function or which affects multiple government programs, agencies, or institutions. Enterprise project includes all aspects of planning, design, implementation, project management, and training relating to the endeavor.

Source:Laws 2002, LB 1105, § 276; Laws 2008, LB823, § 2; Laws 2010, LB1071, § 39.

86-507. Information technology, defined.

Information technology means computing and telecommunications systems and their supporting infrastructure and interconnectivity used to acquire, transport, process, analyze, store, and disseminate information electronically.

Source:Laws 2002, LB 1105, § 277.

86-508. Information technology clearinghouse, defined.

Information technology clearinghouse means a service to provide convenient access for the commission and general public to information about best technology practices, referrals for technical assistance, and other information related to the Information Technology Infrastructure Act.

Source:Laws 2002, LB 1105, § 278.

86-509. Information technology infrastructure, defined.

Information technology infrastructure means the basic facilities, services, and installations needed for the functioning of information technology.

Source:Laws 2002, LB 1105, § 279.

86-510. Statewide technology plan, defined.

Statewide technology plan means the plan developed by the commission pursuant to section 86-516.

Source:Laws 2002, LB 1105, § 280.

86-511. Technical panel, defined.

Technical panel means the panel created in section 86-521.

Source:Laws 2002, LB 1105, § 281.

86-512. Legislative intent.

Nebraskans, and others throughout the world, have become part of the information age, in which information is a primary element of economic, social, and cultural growth. The ability to move information quickly and accurately through electronic means is critical to the success of education, business, agriculture, health care, government, libraries, communities, and other areas of interest in a global society. A statewide vision and strategy is needed to ensure coordinated development of the telecommunications infrastructure necessary for Nebraska to keep pace worldwide and collaboration among entities within the state and with other states.

Source:Laws 1998, LB 924, § 1; R.S.1943, (1999), § 86-1501; Laws 2002, LB 1105, § 282.

86-513. Legislative findings and intent.

(1) The Legislature finds that appropriations for information technology continue to increase. Advances in information technology have the potential to improve government efficiency, broaden educational opportunities, and enhance services to Nebraska communities and citizens. To assure the most cost-effective use of state appropriations:

- (a) Responsibility should be assigned for developing a statewide vision and strategic plan to guide investments in information technology;
- (b) Organizational and technical support for technology budget decisions should be improved and integrated;
- (c) A clearinghouse should be formed for technical support and best practices information; and
- (d) Responsibility should be assigned to an office within state government for improving the planning, budgeting, and management of state government's information resources.

(2) It is the intent of the State of Nebraska to support the development of a unified statewide telecommunications infrastructure. The statewide telecommunications infrastructure will be scalable, reliable, and efficient. It is further the intent of the Legislature that the provisions of sections 86-512 to 86-524 serve to coordinate the state's investments in information technology in an efficient and expeditious manner. The provisions are not intended to impede the rapid deployment of appropriate technology or

establish cumbersome regulations or bureaucracy.

Source:Laws 1998, LB 924, § 2; R.S.1943, (1999), § 86-1502; Laws 2002, LB 1105, § 283.

86-514. University of Nebraska; Legislature; exemptions.

(1) The Legislature finds that the University of Nebraska, as the state's only public university, has unique needs and requirements in the area of information technology relating to the university's academic research mission. Accordingly, the Legislature intends that sections 86-512 to 86-524 shall not limit the authority of the Board of Regents of the University of Nebraska to make decisions about policies, purchases, and uses of information technology related to its academic research mission. For purposes of this section, academic research mission means those specific activities or programs of the university which are undertaken as a part of sponsored or grant-supported activities, organized research projects, or other similar activities intended to produce one or more research outcomes and conducted by employees of the university or other entities, including, but not limited to, research divisions, bureaus, institutes, and experimental stations. Academic research mission does not include the administrative activities of the university, instruction of students, or services provided by the university to communities when not conducted in the context of research outcomes.

(2) The Legislature finds that, as a separate branch of government, the Legislature must perform its functions independently of other branches. Accordingly, the Legislature shall not be limited by the provisions and requirements of sections 86-512 to 86-524. However the Legislature reserves the right to use the resources established by such sections.

Source:Laws 1998, LB 924, § 3; R.S.1943, (1999), § 86-1503; Laws 2002, LB 1105, § 284.

86-515. Nebraska Information Technology Commission; created; members; expenses; executive director.

(1) The Nebraska Information Technology Commission is created. The commission shall consist of (a) one member representing elementary and secondary education, (b) one member representing postsecondary education, (c) the Governor or his or her designee, (d) one member representing communities, and (e) five members representing the general public who have experience in developing strategic plans and making high-level business decisions. A member of the Transportation and Telecommunications Committee of the Legislature shall be appointed by the Executive Board of the Legislative Council to serve as an ex officio, nonvoting member of the commission. The Executive Board shall make the initial appointment of such member after January 5, 2011, and shall appoint a member every two years after the initial appointment. At any time that there is not a member of the Educational Service Unit Coordinating Council serving on the Nebraska Information Technology Commission, the technical panel established pursuant to section 86-521, or any working groups established pursuant to sections 86-512 to 86-524 that establish, coordinate, or prioritize needs for education, the Governor shall appoint to the commission one member who serves on the Educational Service Unit Coordinating Council.

(2) The Governor or a designee of the Governor shall serve as chairperson of the commission.

(3) The members of the commission other than the legislative member shall be appointed by the Governor with the approval of a majority of the Legislature. Members of the commission shall serve for terms of four years, except that two members initially appointed to represent the general public shall be appointed for a term of two years and any member appointed to represent the Educational Service Unit Coordinating Council shall be appointed for a term of one year. Members shall be limited to two consecutive terms. The Governor or his or her designee shall serve on the commission for his or her term. The legislative member of the commission shall serve until he or she is reappointed or a successor is appointed. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(4) Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(5) The commission may employ or designate an executive director to provide administrative and operational support for the commission. The Department of Administrative Services and Nebraska Educational Telecommunications Commission shall assist with administrative and operational support for the Nebraska Information Technology Commission as necessary to carry out its duties.

Source:Laws 1998, LB 924, § 5; R.S.1943, (1999), § 86-1505; Laws 2002, LB 1105, § 285; Laws 2006, LB 1208, § 27; Laws 2007, LB603, § 32; Laws 2010, LB787, § 1.

86-516. Commission; duties.

The commission shall:

- (1) Annually by July 1, adopt policies and procedures used to develop, review, and annually update a statewide technology plan;
- (2) Create an information technology clearinghouse to identify and share best practices and new developments, as well as identify existing problems and deficiencies;
- (3) Review and adopt policies to provide incentives for investments in information technology infrastructure services;
- (4) Determine a broad strategy and objectives for developing and sustaining information technology development in Nebraska, including long-range funding strategies, research and development investment, support and maintenance requirements, and system usage and assessment guidelines;
- (5) Adopt guidelines regarding project planning and management and administrative and technical review procedures involving state-owned or state-supported technology and infrastructure. Governmental entities, state agencies, and noneducation political subdivisions shall submit all projects which use any combination of general funds, federal funds, or cash funds for information technology purposes to the process established by sections 86-512 to 86-524. The commission may adopt policies that establish the format and minimum requirements for project submissions. The commission may monitor the progress of any such project and may require progress reports;
- (6) Adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel. Such standards and guidelines shall not unnecessarily restrict the use of new technologies or prevent commercial competition, including competition with Network Nebraska;
- (7) Establish ad hoc technical advisory groups to study and make recommendations on specific topics, including workgroups to establish, coordinate, and prioritize needs for education, local communities, intergovernmental data communications, and state agencies;
- (8) By November 15 of each even-numbered year, make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel pursuant to section 86-521. The recommendations submitted to the Legislature shall be submitted electronically;
- (9) Approve grants from the Community Technology Fund and Government Technology Collaboration Fund;
- (10) Adopt schedules and procedures for reporting needs, priorities, and recommended projects;
- (11) Assist the Chief Information Officer in developing and maintaining Network Nebraska pursuant to section 86-5,100; and
- (12) Determine the format that state agencies, boards, and commissions shall use to report their information technology plans under section 86-524.01. The commission shall include an analysis of such plans in the statewide technology plan.

Source:Laws 1998, LB 924, § 6; Laws 1999, LB 446, § 12; R.S.1943, (1999), § 86-1506; Laws 2002, LB 1105, § 286; Laws 2005, LB 343, § 9; Laws 2006, LB 1208, § 28; Laws 2008, LB823, § 3; Laws 2010, LB1071, § 40; Laws 2012, LB782, § 244.

Operative Date: July 19, 2012

86-517. Commission; implementation goals.

The commission shall implement sections 86-512 to 86-524 in accordance with the policy objectives described in sections 86-512, 86-513, and 86-516 and with the following goals:

- (1) Expanding access to lifelong educational and training opportunities so that Nebraska's citizens and work force can function in the emerging information society;
- (2) Stimulating and supporting information-based economic development that improves economic opportunity; and
- (3) Expanding citizen access to government information.

Source:Laws 1998, LB 924, § 7; R.S.1943, (1999), § 86-1507; Laws 2002, LB 1105, § 287.

86-518. Progress report.

By November 15 of each even-numbered year, the Nebraska Information Technology Commission shall submit a progress report to the Governor and Legislature. The report submitted to the Legislature shall be submitted electronically.

Source:Laws 1998, LB 924, § 8; R.S.1943, (1999), § 86-1508; Laws 2002, LB 1105, § 288; Laws 2012, LB782, § 245.

Operative Date: July 19, 2012

86-519. Office of Chief Information Officer; created.

The office of Chief Information Officer is created. The Chief Information Officer shall be appointed by and serve at the pleasure of the Governor with the approval of a majority of the Legislature. For administrative and budgetary purposes, the office of Chief Information Officer shall be located in the Department of Administrative Services which shall provide necessary support services for the office. All administrative and budgetary decisions for the office shall be made by the Chief Information Officer.

Source:Laws 1998, LB 924, § 9; R.S.1943, (1999), § 86-1509; Laws 2002, LB 1105, § 289; Laws 2006, LB 921, § 15.

86-520. Chief Information Officer; duties.

The Chief Information Officer shall:

- (1) Maintain, in cooperation with the Department of Administrative Services, an inventory of noneducation state government technology assets, including hardware, applications, and data bases;
- (2) Recommend policies and guidelines for acceptable and cost-effective use of information technology in noneducation state government;
- (3) Advise the Governor and Legislature on policy issues affecting noneducation state government related to information technology;
- (4) Coordinate efforts among other noneducation state government technology agencies and coordinating bodies;
- (5) Implement a strategic, tactical, and project planning process for noneducation state government information technology that is linked to the budget process;
- (6) Assist the budget division of the Department of Administrative Services and Legislative Fiscal Analyst in evaluating technology-related budget requests;
- (7) Work with each governmental department and noneducation state agency to evaluate and act upon opportunities to more efficiently and effectively deliver government services through the use of information technology;
- (8) Recommend to the Governor and Legislature methods for improving the organization and management of data by noneducation agencies to achieve the goals of making information sharable and reusable, eliminating redundancy of data and programs, improving the quality and usefulness of data, and improving access to data, and implement such recommendations as the Governor or Legislature may direct;
- (9) Monitor the status of major noneducation state government technology projects;
- (10) Establish and maintain Network Nebraska pursuant to section 86-5,100;
- (11) Apply in aggregate for reimbursements from the federal Universal Service Fund pursuant to section 254 of the Telecommunications Act of 1996, 47 U.S.C. 254, as such section existed on January 1, 2006, on behalf of school districts requesting to be included in such aggregated application;
- (12) Administer such funds as may be appropriated to the Chief Information Officer by the Legislature;
- (13) Monitor the status of information technology projects that are enterprise projects;
- (14) Collect information from state agencies, boards, and commissions as provided in section 86-524.01;

and

(15) Complete other tasks as assigned by the Governor.

Source:Laws 1998, LB 924, § 10; R.S.1943, (1999), § 86-1510; Laws 2002, LB 1105, § 290; Laws 2006, LB 1208, § 29; Laws 2008, LB823, § 4; Laws 2010, LB1071, § 41.

86-520.01. Information technology purchases; standards; use of Network Nebraska; notice required; when.

Information technology purchases made with state funds or local tax receipts by education-related political subdivisions shall meet or exceed any applicable technical standards established by the commission. The Chief Information Officer may bid for such equipment and allow education-related political subdivisions to participate in leasing or purchasing contracts. An education-related political subdivision shall provide notice in writing, if required by guidelines established by the University of Nebraska and the Chief Information Officer for participation in Network Nebraska, to the distance education director of the Educational Service Unit Coordinating Council, the University of Nebraska, and the Chief Information Officer prior to the use of any new or additional equipment that will impact the use of Network Nebraska by such education-related political subdivision or other education-related political subdivisions.

Source:Laws 2010, LB1071, § 42.

86-521. Technical panel; created; duties.

(1) A technical panel is created. The technical panel shall be comprised of one representative from the Nebraska Educational Telecommunications Commission, one representative from the office of Chief Information Officer, one representative from the University of Nebraska Computing Services Network, and such other members as specified by the Nebraska Information Technology Commission.

(2) The technical panel shall review any technology project presented to the Nebraska Information Technology Commission including any recommendations by working groups established under sections 86-512 to 86-524. Upon the conclusion of the review of a technology project or request for additional funding, the technical panel shall provide its analysis to the commission. The technical panel may recommend technical standards and guidelines to be considered for adoption by the commission.

Source:Laws 1998, LB 924, § 11; R.S.1943, (1999), § 86-1511; Laws 2002, LB 1105, § 291; Laws 2006, LB 921, § 16; Laws 2008, LB823, § 5.

Effective Date: July 18, 2008

86-522. Community Technology Fund; created; use; investment.

The Community Technology Fund is created. The fund shall be granted to public entities or for the public entity's share of public-private partnerships by the commission. The fund shall be used to provide incentives for collaborative community and regional approaches toward more effective and efficient use of technology to meet the needs of citizens, political subdivisions, and other entities as determined by the commission. Expenditures from the fund shall be approved by the commission only after review by the technical panel. The fund shall be administered by the office of Chief Information Officer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 1998, LB 924, § 12; R.S.1943, (1999), § 86-1512; Laws 2002, LB 1105, § 292; Laws 2006, LB 921, § 17.

Cross References

- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

86-523. Government Technology Collaboration Fund; created; use; investment.

The Government Technology Collaboration Fund is created. The fund shall be granted by the commission. The fund shall be used to provide incentives for collaborative technology projects and programs by state agencies, boards, and commissions and to assist in meeting the technology needs of small agencies as determined by the commission. Expenditures from the fund shall be approved by the commission only after review by the technical panel. The fund shall be administered by the office of Chief Information Officer. Any

money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 1998, LB 924, § 13; R.S.1943, (1999), § 86-1513; Laws 2002, LB 1105, § 293; Laws 2006, LB 921, § 18.

Cross References

- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

86-524. Legislative review.

(1) The Appropriations Committee and the Transportation Committee of the Legislature shall jointly review sections 86-512 to 86-524 before January 1, 2001, and every two years thereafter. The Executive Board of the Legislative Council shall designate staff with appropriate technical experience to provide the staff support for the review. The committees shall establish criteria to be used for the review in accordance with the following policy objectives. It shall be the policy of the state to:

- (a) Use information technology in education, communities, including health care and economic development, and every level of government service to improve economic opportunities and quality of life for all Nebraskans regardless of location or income;
- (b) Stimulate the demand to encourage and enable long-term infrastructure innovation and improvement; and
- (c) Organize technology planning in new ways to aggregate demand, reduce costs, and create support networks; encourage collaboration between communities of interest; and encourage competition among technology and service providers.

(2) In the review, the committees shall determine the extent to which:

- (a) The vision has been realized and short-term and long-term strategies have been articulated and employed;
- (b) The statewide technology plan and other activities of the commission have improved coordination and assisted policymakers;
- (c) An information technology clearinghouse has been established, maintained, and utilized of Nebraska's information technology infrastructure and of activities taking place in the state involving information technology, and the information flow between and among individuals and organizations has been facilitated as a result of the information technology clearinghouse;
- (d) Policies, standards, guidelines, and architectures have been developed and observed;
- (e) Recommendations made by the commission to the Governor and Legislature have assisted policy and funding decisions;
- (f) Input and involvement of all interested parties has been encouraged and facilitated; and
- (g) Long-term infrastructure innovation, improvement, and coordination has been planned for, facilitated, and achieved with minimal barriers and impediments.

Source:Laws 1998, LB 924, § 14; R.S.1943, (1999), § 86-1514; Laws 2002, LB 1105, § 294.

86-524.01. Information technology plan; report required.

On or before September 15 of each even-numbered year, all state agencies, boards, and commissions shall report to the Chief Information Officer, in a format determined by the commission, an information technology plan that includes an accounting of all technology assets, including planned acquisitions and upgrades.

Source:Laws 2008, LB823, § 6.

Effective Date: July 18, 2008

86-525. Enterprise project; legislative findings.

In addition to the findings in section 86-513, the Legislature also finds that:

(1) The effective, efficient, and cost-effective operation of state government requires that information be considered and managed as a strategic resource;

(2) Information technologies present numerous opportunities to more effectively manage the information necessary for state government operations;

(3) Information technologies are changing and advancing at a very rapid rate, increasing the computing power available to individual users;

(4) The commission should have the responsibility to establish goals, guidelines, and priorities for information technology infrastructure; and

(5) Periodic investments in the information technology infrastructure are required to develop and maintain the foundation for the effective use of information technologies throughout state government.

Source:Laws 1996, LB 1190, § 3; Laws 2000, LB 1349, § 5; R.S.Supp.,2000, § 81-1192; Laws 2002, LB 1105, § 295.

86-526. Enterprise project; designation.

The commission shall determine which proposed information technology projects are enterprise projects. The commission shall create policies and procedures for the designation of such projects. The commission shall evaluate designated enterprise project plans as authorized in section 86-528.

Source:Laws 1996, LB 1190, § 5; Laws 2000, LB 1349, § 6; R.S.Supp.,2000, § 81-1194; Laws 2002, LB 1105, § 296; Laws 2008, LB823, § 7.

Effective Date: July 18, 2008

86-527. Information Technology Infrastructure Fund; created; use; investment.

The Information Technology Infrastructure Fund is hereby created. The fund shall contain revenue from the special privilege tax as provided in section 77-2602, gifts, grants, and such other money as is appropriated or transferred by the Legislature. The fund shall be used to attain the goals and priorities identified in the statewide technology plan. The fund shall be administered by the office of Chief Information Officer. Expenditures shall be made from the fund to finance the operations of the Information Technology Infrastructure Act in accordance with the appropriations made by the Legislature. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Information Technology Infrastructure Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 1996, LB 1190, § 6; Laws 1998, LB 924, § 42; Laws 2000, LB 1349, § 7; R.S.Supp.,2000, § 81-1195; Laws 2002, LB 1105, § 297; Laws 2002, Second Spec. Sess., LB 1, § 10; Laws 2003, LB 408, § 7; Laws 2006, LB 921, § 19; Laws 2008, LB823, § 8.

Effective Date: July 18, 2008

Cross References

- Nebraska Capital Expansion Act, see section 72-1269.
- Nebraska State Funds Investment Act, see section 72-1260.

86-528. Enterprise project; funding.

(1) The Legislature may allocate money from the Information Technology Infrastructure Fund for enterprise projects. The Legislature may recognize multiple-year commitments for large projects, subject to available appropriations, including remaining obligations for the century date change project managed by the department.

(2) No contract or expenditure for the implementation of an enterprise project may be initiated unless the commission has approved a project plan. The project plan shall include, but not be limited to, the objectives, scope, and justification of the project; detailed specifications and analyses that guide the project from beginning to conclusion; technical requirements; and project management. The commission may request clarification, require changes, or provide conditional approval of a project plan. In its review, the commission shall determine whether the objectives, scope, timeframe, and budget of the project are consistent with the proposal authorized by the Legislature in its allocation from the fund.

(3) The commission may also evaluate whether the project plan is consistent with the statewide technology

plan and the commission's technical standards and guidelines.

Source:Laws 2000, LB 1349, § 8; R.S.Supp.,2000, § 81-1196.01; Laws 2002, LB 1105, § 298; Laws 2008, LB823, § 9.

Effective Date: July 18, 2008

86-529. Enterprise project; commission; duties.

To implement enterprise projects pursuant to sections 86-525 to 86-530, the commission shall:

(1) Develop procedures and issue guidelines regarding the review, approval, and monitoring of enterprise projects; and

(2) Coordinate with the Chief Information Officer to monitor the status of enterprise projects, including a complete accounting of all project costs by fund source.

Source:Laws 1996, LB 1190, § 10; Laws 1998, LB 924, § 43; Laws 2000, LB 1349, § 9; R.S.Supp.,2000, § 81-1199; Laws 2002, LB 1105, § 299; Laws 2008, LB823, § 10.

Effective Date: July 18, 2008

86-530. Enterprise project; report.

The Chief Information Officer shall report annually to the Governor and the Appropriations Committee of the Legislature on the status of enterprise projects. The report submitted to the committee shall be submitted electronically.

Source:Laws 1996, LB 1190, § 13; Laws 2000, LB 1349, § 10; R.S.Supp.,2000, § 81-11,102; Laws 2002, LB 1105, § 300; Laws 2008, LB823, § 11; Laws 2012, LB782, § 246.

Operative Date: July 19, 2012

OCIO - Intergovernmental Data Services

86-550. Act, how cited.

Sections [86-550](#) to [86-568](#) shall be known and may be cited as the Intergovernmental Data Services Program Act.

Source:Laws 2002, LB 1105, § 320.

86-551. Intergovernmental data services program; created.

The intergovernmental data services program is created and shall be located within the information management services division of the office of Chief Information Officer.

Source:Laws 1993, LB 543, § 1; Laws 2000, LB 654, § 31; R.S.Supp.,2000, § 81-1120.35; Laws 2002, LB 1105, § 321; Laws 2006, LB 921, § 21.

86-552. Definitions, where found.

For purposes of the Intergovernmental Data Services Program Act, the definitions found in sections [86-554](#) to [86-561](#) apply.

Source:Laws 1993, LB 543, § 2; Laws 2000, LB 654, § 32; R.S.Supp.,2000, § 81-1120.36; Laws 2002, LB 1105, § 322; Laws 2008, LB823, § 12.

Effective Date: July 18, 2008

86-553. Repealed. Laws 2008, LB 823, § 23.

86-554. Application, defined.

Application means a computer program that provides a specific service to the user. Application includes the

applications specified in Laws 1989, LB 814, section 54, and all applications of statewide or intergovernmental benefit subject to the review set forth in subdivision (2)(a) of section [86-563](#).

Source:Laws 2002, LB 1105, § 324.

86-555. Office, defined.

Office means the office of Chief Information Officer.

Source:Laws 2002, LB 1105, § 325; Laws 2006, LB 921, § 22.

86-556. Officer, defined.

Officer means the Chief Information Officer.

Source:Laws 2002, LB 1105, § 326; Laws 2006, LB 921, § 23.

86-557. Division, defined.

Division means the information management services division of the office.

Source:Laws 2002, LB 1105, § 327; Laws 2006, LB 921, § 24.

86-558. Intergovernmental data services system, defined.

Intergovernmental data services system means the installation and use of applications on a computer network that allows for the intergovernmental transfer of data, automation of multijurisdictional functions, and integration of governmental entities that involve multiple locations separated by long distances. Intergovernmental data services system includes computers that serve as platforms for statewide applications, cabling, other equipment essential to operating the computers, and operating programs that allow the computers to function. Intergovernmental data services system does not include any applications.

Source:Laws 2002, LB 1105, § 328.

86-559. Local application, defined.

Local application means a computer program intended for use at the local government or state agency level, not of intergovernmental use, serving only limited local needs and proposed to be resident on only a limited part of the system.

Source:Laws 2002, LB 1105, § 329.

86-560. Peripheral device, defined.

Peripheral device means equipment that connects to the system to allow local use and access to applications on the system. Peripheral device includes, but is not limited to, microprocessors, word processors, desktop computers, terminals, and printers.

Source:Laws 2002, LB 1105, § 330.

86-561. System, defined.

System means the intergovernmental data services system.

Source:Laws 2002, LB 1105, § 331.

86-562. System; purposes.

The purpose of the system is to allow for the efficient operation of state government and its political

subdivisions. In managing and allocating resources on the system, the officer shall assign first priority to providing capacity for statewide applications that are essential to carrying out the duties of state agencies in an efficient and effective manner. The system may also serve local data processing needs of political subdivisions, provide citizens with a point of access to governmental services and information, and serve other state and local needs, subject to available resources.

Source:Laws 1993, LB 543, § 3; Laws 2000, LB 654, § 33; R.S.Supp.,2000, § 81-1120.37; Laws 2002, LB 1105, § 332; Laws 2008, LB823, § 13.

Effective Date: July 18, 2008

86-563. Division; duties and powers.

In establishing and maintaining the system:

(1) The division:

(a) Shall provide the computer network and services for the system with assistance from the division of communications of the office;

(b) Shall, within available resources, assist local, state, and federal collaborative efforts to encourage coordination of information systems and data sharing;

(c) Shall coordinate its activities and responsibilities with the functions of the division of communications to minimize overlap and duplication of technical services between the divisions in supporting the system, its applications, and application development; and

(d) May undertake and coordinate planning studies to determine the feasibility, benefits, costs, requirements, and options for the intergovernmental transfer of data;

(2) The officer:

(a) Shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the officer that examines the cost-effectiveness, technical feasibility, and potential use of the proposed application; that identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation; and that provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The officer shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(b) Shall approve changes in the design of applications by state agencies for use on the system. The officer may require such information from the agency as necessary to determine that the proposed change in design is cost effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible;

(c) May contract with other governmental entities or private vendors in carrying out the duties relating to the intergovernmental data services program;

(d) Shall establish a rate schedule that reflects the rates adopted by the division of communications and the information management services division, plus any additional costs of the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The officer may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(e) May enter into agreements with other state and local governments, the federal government, or private-sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund;

(f) Shall determine whether a local application shall be a component of the system. No local application shall be resident or operational in any component of the system without explicit authorization of the officer; and

(g) Shall approve or disapprove the attachment of any peripheral device to the system and may prescribe

standards and specifications that such devices must meet;

(3) The officer shall be responsible for the proper operation of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds. The ownership of such system, applications, and peripheral devices shall be vested with the state; and

(4) All communications and telecommunications services for the intergovernmental data services program and the system shall be secured from the division of communications.

Source:Laws 1993, LB 543, § 4; Laws 1994, LB 1066, § 104; Laws 1998, LB 924, § 40; Laws 2000, LB 654, § 34; R.S.Supp.,2000, § 81-1120.38; Laws 2002, LB 1105, § 333; Laws 2006, LB 921, § 25; Laws 2008, LB823, § 14.

Effective Date: July 18, 2008

86-564. Budget; duties.

(1) The officer shall submit as part of the biennial budget request of the office a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subsection.

(2) All development costs for approved new applications shall be budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2)(a) of section [86-563](#), and at such time as the application becomes an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if office cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development.

Source:Laws 2002, LB 1105, § 334; Laws 2006, LB 921, § 26; Laws 2008, LB823, § 15.

Effective Date: July 18, 2008

86-565. Rules and regulations.

The officer may adopt and promulgate rules, regulations, guidelines, and procedures to carry out sections [86-563](#) and [86-564](#).

Source:Laws 2002, LB 1105, § 335; Laws 2008, LB823, § 16.

Effective Date: July 18, 2008

86-566. Data Systems Cash Fund; created; use; investment.

The Data Systems Cash Fund is created. The fund shall include money remitted from section [86-563](#). The fund may be expended for application-related purposes for which the Legislature makes a specific appropriation. The fund may be used to subsidize the cost of operating existing applications, for lowering rates charged to participating state agencies and counties, or for the purpose of new application development. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 2002, LB 1105, § 336.

Cross References

Nebraska Capital Expansion Act, see section [72-1269](#).

Nebraska State Funds Investment Act, see section [72-1260](#).

86-567. Intergovernmental Data Services Program Revolving Fund; created; use; investment.

The Intergovernmental Data Services Program Revolving Fund is created. The fund shall be administered by the division. The fund shall consist of fees paid for services provided to state agencies, political subdivisions, or other governmental or private entities by the division and shall be used to pay for expenses incurred by the division. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 1994, LB 1194, § 3; Laws 1995, LB 7, § 121; Laws 2000, LB 654, § 35; R.S.Supp.,2000, § 81-1120.40; Laws 2002, LB 1105, § 337.

Cross References

Nebraska Capital Expansion Act, see section [72-1269](#).

Nebraska State Funds Investment Act, see section [72-1260](#).

86-568. Miscellaneous cash and revolving funds; authorized.

The budget division of the Department of Administrative Services shall administratively create such cash and revolving funds as may be required to properly account for the receipt of charges for use of applications and the payment of expenses for operation of the system. It is the intent of the Legislature that operations of the system shall be fully financed by user charges with the exception of development costs for new applications and initial costs of operation as applications progress to full operating status and are unable to generate sufficient fee revenue to finance operating costs.

Source:Laws 2002, LB 1105, § 338; Laws 2006, LB 921, § 27.

NITC - GIS Council

86-569. Findings and intent.

(1) The Legislature finds that Geographic Information Systems are a computer-based technology that captures, stores, analyzes, and displays information about the earth's surface from geographically referenced systems, that an interest in the systems is rapidly increasing at all levels of government, and that an institutional mechanism is needed to encourage initiatives, coordinate efforts, avoid duplication, seek efficiencies, develop guidelines, policies, and standards for operations and management, promote education and training, and make recommendations so that such technology will benefit the entire state and endure as an analysis tool for decisionmakers.

(2) It is the intent of the Legislature that a Geographic Information Systems Council be created with statewide responsibilities to take an active role in implementing Geographic Information Systems. Such council would help facilitate acquisition of such technology at all levels of government and make recommendations to the Legislature for program initiatives and funding and the fostering of communication, training, and education.

(3) It is the intent of the Legislature that the Geographic Information Systems Council serve as an advisory council to the Nebraska Information Technology Commission and assist the commission in its overall information technology planning and oversight and provide technical advice and recommendations related to the specialized needs of Geographic Information Systems.

Source:Laws 1991, LB 639, § 1; R.S.1943, (1999), § 81-2601; Laws 2002, LB 1105, § 339; Laws 2008, LB823, § 17.

Effective Date: July 18, 2008

86-570. Geographic Information Systems Council; created; members; appointment; terms; expenses.

(1) The Geographic Information Systems Council is hereby created and shall consist of:

(a) The Chief Information Officer or his or her designee, the chief executive officer or designee of the Department of Health and Human Services, and the director or designee of the Department of Environmental Quality, the Conservation and Survey Division of the University of Nebraska, the Department of Natural

Resources, and the Governor's Policy Research Office;

(b) The Director-State Engineer or designee;

(c) The State Surveyor or designee;

(d) The Clerk of the Legislature or designee;

(e) The secretary of the Game and Parks Commission or designee;

(f) The Property Tax Administrator or designee;

(g) One representative of federal agencies appointed by the Governor;

(h) One representative of the natural resources districts nominated by the Nebraska Association of Resources Districts and appointed by the Governor;

(i) One representative of the public power districts appointed by the Governor;

(j) Two representatives of the counties nominated by the Nebraska Association of County Officials and appointed by the Governor;

(k) One representative of the municipalities nominated by the League of Nebraska Municipalities and appointed by the Governor;

(l) Two members at large appointed by the Governor; and

(m) Such other members as nominated by the Nebraska Information Technology Commission and appointed by the Governor.

(2) The appointed members shall serve terms as determined by the Nebraska Information Technology Commission.

(3) The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source:Laws 1991, LB 639, § 2; Laws 1993, LB 3, § 72; Laws 1998, LB 924, § 48; Laws 1999, LB 594, § 71; Laws 2000, LB 900, § 250; R.S.Supp.,2000, § 81-2602; Laws 2002, LB 1105, § 340; Laws 2006, LB 921, § 28; Laws 2007, LB296, § 812; Laws 2008, LB797, § 29; Laws 2008, LB823, § 18.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB797, section 29, with LB823, section 18, to reflect all amendments.

Note: Changes made by LB797 became operative July 18, 2008. Changes made by LB823 became effective July 18, 2008.

86-571. Council; officers; advisory committees; meetings; expenses.

(1) The Geographic Information Systems Council shall elect a chairperson from its members and such other officers as the council deems necessary.

(2) As the need arises, advisory committees may be established by the council from various levels of government, industry, or the general public to assist the council. The members of advisory committees shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The council shall meet quarterly or upon the call of the chairperson.

Source:Laws 1991, LB 639, § 3; Laws 1999, LB 238, § 2; R.S.1943, (1999), § 81-2603; Laws 2002, LB 1105, § 341; Laws 2008, LB823, § 19.

Effective Date: July 18, 2008

86-572. Council; duties.

The Geographic Information Systems Council shall:

(1) Make recommendations to the Legislature and the Nebraska Information Technology Commission for program initiatives and funding. The recommendations submitted to the Legislature shall be submitted electronically;

(2) Establish guidelines and policies for statewide Geographic Information Systems operations and

management to include:

- (a) The acquisition, development, maintenance, quality assurance such as standards, access, ownership, cost recovery, and priorities of data bases;
 - (b) The compatibility, acquisition, and communications of hardware and software;
 - (c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;
 - (d) The fostering of training programs and promoting education and information about Geographic Information Systems; and
 - (e) The promoting of Geographic Information Systems development in the State of Nebraska and providing or coordinating additional support to address Geographic Information Systems issues as such issues arise;
- (3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; and
- (4) Provide assistance as requested by the commission and support the technical panel created in section 86-521.

Source:Laws 1991, LB 639, § 4; Laws 1998, LB 924, § 49; Laws 1999, LB 446, § 11; R.S.1943, (1999), § 81-2604; Laws 2002, LB 1105, § 342; Laws 2005, LB 343, § 11; Laws 2008, LB823, § 20; Laws 2012, LB782, § 247.

Operative Date: July 19, 2012

86-573. Council; report.

The Geographic Information Systems Council shall provide a report of its activities to the Nebraska Information Technology Commission for inclusion in the biannual progress report submitted to the Governor and the Legislature by the commission pursuant to section 86-518.

Source:Laws 1991, LB 639, § 5; Laws 1998, LB 924, § 50; R.S.1943, (1999), § 81-2605; Laws 2002, LB 1105, § 343; Laws 2008, LB823, § 21.

Effective Date: July 18, 2008

Network Nebraska Related

79-1233. Access to telecomputing resources; powers and duties.

Each educational service unit shall provide access for all school districts within the geographical area served by the unit to telecomputing resources, which shall include the capacity to receive and transmit distance education courses on at least a regional basis beginning on or before August 1, 2007, through the installation of necessary equipment at each educational service unit location or through interlocal agreements with other educational service units and shall provide support for training users to meet their specific telecomputing and distance education needs. School districts may annually elect prior to a date determined by the educational service unit not to connect to such telecomputing resources. Each educational service unit shall also develop, with the State Department of Education, a plan which provides for connecting the telecomputing and distance education equipment of such school districts with the telecomputing and distance education equipment of the unit.

Educational service units may enter into agreements pursuant to the Interlocal Cooperation Act and the Joint Public Agency Act to carry out this section. Such agreements may include, but need not be limited to, provisions requiring any school district having telecomputing or distance education equipment connected to the educational service unit's telecomputing or distance education equipment to pay periodic fees necessary to cover the cost of such usage.

Source:Laws 1993, LB 348, § 49; Laws 1993, LB 452, § 2; Laws 1995, LB 860, § 3; R.S.Supp.,1995, § 79-2225; Laws 1996, LB 900, § 950; Laws 1999, LB 87, § 90; Laws 1999, LB 141, § 15; Laws 1999, LB 386, § 5; Laws 2006, LB 1208, § 10; Laws 2007, LB603, § 22; Laws 2010, LB1071, § 27.

Cross References

Interlocal Cooperation Act, see section [13-801](#).

Joint Public Agency Act, see section [13-2501](#).

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79-1241.02. Repealed. Laws 2010, LB 1071, § 48.

Operative Date: April 15, 2010

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79-1245. Educational Service Unit Coordinating Council; created; composition; funding; powers.

(1) The Educational Service Unit Coordinating Council is created as of July 1, 2008. On such date the assets and liabilities of the Distance Education Council shall be transferred to the Educational Service Unit Coordinating Council. The council shall be composed of one administrator from each educational service unit. The council shall be funded from two percent of the core services and technology infrastructure funding appropriated pursuant to section 79-1241.03, appropriations by the Legislature for distance education, and fees established for services provided to educational entities.

(2) The council is a political subdivision and a public body corporate and politic of this state, exercising public powers separate from the participating educational service units. The council shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a political subdivision and a public body corporate and politic but shall not have taxing power.

(3) The council shall have power (a) to sue and be sued, (b) to have a seal and alter the same at will or to dispense with the necessity thereof, (c) to make and execute contracts and other instruments, (d) to receive, hold, and use money and real and personal property, (e) to hire and compensate employees, including certificated employees, (f) to act as a fiscal agent for statewide initiatives being implemented by employees of one or more educational service units, and (g) from time to time, to make, amend, and repeal bylaws, rules, and regulations not inconsistent with sections 79-1245 to 79-1249. Such power shall only be used as necessary or convenient to carry out and effectuate the powers and purposes of the council.

Source:Laws 2007, LB603, § 16; Laws 2010, LB1071, § 29.

79-1246. Educational Service Unit Coordinating Council; duties; Open Meetings Act applicable.

(1) The Educational Service Unit Coordinating Council shall work toward statewide coordination to provide the most cost-effective services for the students, teachers, and school districts in each educational service unit. The council's duties include, but are not limited to:

(a) Preparation of strategic plans to assure the cost-efficient and equitable delivery of services across the state;

(b) Administration of statewide initiatives and provision of statewide services; and

(c) Coordination of distance education.

(2) All activities conducted by the council shall be conducted in accordance with the Open Meetings Act. This section does not require or provide for state control of the operations of any educational service unit or abridge the governance ability, rights, or responsibilities of any educational service unit board.

Source:Laws 2007, LB603, § 17.

Cross References

- Open Meetings Act, see section 84-1407.

79-1247. Educational Service Unit Coordinating Council; appoint distance education director; council director authorized; salaries; expenses; duties; contract authorized; other appointments authorized.

The Educational Service Unit Coordinating Council shall appoint a distance education director and may

appoint a council director, both of whom shall hold office at the pleasure of the council. The council director and the distance education director shall receive such salaries as the council determines and shall be reimbursed for their actual expenses incurred in the performance of their duties. The council may contract with individual educational service units for the employment of the council director or the distance education director, except that the supervisory responsibilities for such employees shall remain with the council.

The council director and the distance education director shall perform duties as the council directs and shall not be members of the council. The council may also appoint or retain such other persons as it may deem necessary for the performance of its functions and shall prescribe their duties, fix their compensation, and provide for reimbursement of their actual and necessary expenses within the amounts available in the budget of the council.

Source:Laws 2007, LB603, § 18; Laws 2010, LB1071, § 30.

79-1248. Educational Service Unit Coordinating Council; powers and duties.

The powers and duties of the Educational Service Unit Coordinating Council include, but are not limited to:

- (1) Providing public access to lists of qualified distance education courses;
- (2) Collecting and providing school schedules for participating educational entities;
- (3) Facilitation of scheduling for qualified distance education courses;
- (4) Brokering of qualified distance education courses to be purchased by educational entities;
- (5) Assessment of distance education needs and evaluation of distance education services;
- (6) Compliance with technical standards as set forth by the Nebraska Information Technology Commission and academic standards as set forth by the State Department of Education related to distance education;
- (7) Establishment of a system for scheduling courses brokered by the council and for choosing receiving educational entities when the demand for a course exceeds the capacity as determined by either the technology available or the course provider;
- (8) Administration of learning management systems, either through the staff of the council or by delegation to an appropriate educational entity, with the funding for such systems provided by participating educational entities; and
- (9) Coordination with educational service units and postsecondary educational institutions to provide assistance for instructional design for both two-way interactive video distance education courses and the offering of graduate credit courses in distance education.

Source:Laws 2006, LB 1208, § 20; R.S.Supp.,2006, § 79-1334; Laws 2007, LB603, § 19; Laws 2010, LB1071, § 31.

79-1249. Educational Service Unit Coordinating Council; assistance provided.

The Educational Service Unit Coordinating Council shall only provide assistance in brokering or scheduling courses to educational entities that have access to Network Nebraska. All costs to the council associated with assisting private, denominational, or parochial schools and private postsecondary educational institutions shall be paid by such private, denominational, or parochial school or private postsecondary educational institution. Any services of the council may also be offered to other public entities with access to Network Nebraska on a contractual basis.

Source:Laws 2006, LB 1208, § 21; R.S.Supp.,2006, § 79-1335; Laws 2007, LB603, § 20; Laws 2010, LB1071, § 32.

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79-1337. Distance education incentives; application; contents; calculation of incentives; denial of incentives; appeal.

- (1) For fiscal years 2007-08 through 2015-16, the State Department of Education shall provide distance education incentives from the Education Innovation Fund to school districts and educational service units for

qualified distance education courses coordinated through the Distance Education Council until July 1, 2008, and the Educational Service Unit Coordinating Council on and after July 1, 2008, as provided in this section.

(2) School districts and educational service units shall apply for incentives annually to the department on or before August 1 on a form specified by the department. The application shall:

(a) For school districts, specify (i) the qualified distance education courses which were received by students in the membership of the district in the then-current school fiscal year and which were not taught by a teacher employed by the school district and (ii) for each such course (A) the number of students in the membership of the district who received the course, (B) the educational entity employing the teacher, and (C) whether the course was a two-way interactive video distance education course; and

(b) For school districts and educational service units, specify (i) the qualified distance education courses which were received by students in the membership of another educational entity in the then-current school fiscal year and which were taught by a teacher employed by the school district or educational service unit, (ii) for each such course for school districts, the number of students in the membership of the district who received the course, and (iii) for each such course (A) the other educational entities in which students received the course and how many students received the course at such educational entities, (B) any school district that is sparse or very sparse as such terms are defined in section [79-1003](#) that had at least one student in the membership who received the course, and (C) whether the course was a two-way interactive video distance education course.

(3) On or before September 1 of each year, the department shall certify the incentives for each school district and educational service unit which shall be paid on or before October 1 of such year. The incentives for each district shall be calculated as follows:

(a) Each district shall receive distance education units for each qualified distance education course as follows:

(i) One distance education unit for each qualified distance education course received as reported pursuant to subdivision (2)(a) of this section if the course was a two-way interactive video distance education course;

(ii) One distance education unit for each qualified distance education course sent as reported pursuant to subdivision (2)(b) of this section if the course was not received by at least one student who was in the membership of another school district which was sparse or very sparse;

(iii) One distance education unit for each qualified distance education course sent as reported pursuant to subdivision (2)(b) of this section if the course was received by at least one student who was in the membership of another school district which was sparse or very sparse, but the course was not a two-way interactive video distance education course; and

(iv) Two distance education units for each qualified distance education course sent as reported pursuant to subdivision (2)(b) of this section if the course was received by at least one student who was in the membership of another school district which was sparse or very sparse and the course was a two-way interactive video distance education course;

(b) The difference of the amount available for distribution in the Education Innovation Fund on the August 1 when the applications were due minus any amount to be paid to school districts pursuant to section [79-1336](#) shall be divided by the number of distance education units to determine the incentive per distance education unit, except that the incentive per distance education unit shall not equal an amount greater than one thousand dollars; and

(c) The incentives for each school district shall equal the number of distance education units calculated for the school district multiplied by the incentive per distance education unit.

(4) If there are additional funds available for distribution after equipment reimbursements pursuant to section [79-1336](#) and incentives calculated pursuant to subsections (1) through (3) of this section, school districts and educational service units may qualify for additional incentives for elementary distance education courses. Such incentives shall be calculated for sending and receiving school districts and educational service units as follows:

(a) The per-hour incentives shall equal the funds available for distribution after equipment reimbursements pursuant to section [79-1336](#) and incentives calculated pursuant to subsections (1) through (3) of this section divided by the sum of the hours of elementary distance education courses sent or received for each school district and educational service unit submitting an application, except that the per-hour incentives shall not be greater than ten dollars; and

(b) The elementary distance education incentives for each school district and educational service unit shall equal the per-hour incentive multiplied by the hours of elementary distance education courses sent or received by the school district or educational service unit.

(5) The department may verify any or all application information using annual curriculum reports and may request such verification from the council.

(6) On or before October 1 of each year, a school district or educational service unit may appeal the denial of incentives for any course by the department to the State Board of Education. The board shall allow a representative of the school district or educational service unit an opportunity to present information concerning the appeal to the board at the November board meeting. If the board finds that the course meets the requirements of this section, the department shall pay the district from the Education Innovation Fund as soon as practical in an amount for which the district or educational service unit should have qualified based on the incentive per distance education unit used in the original certification of incentives pursuant to this section.

(7) The State Board of Education shall adopt and promulgate rules and regulations to carry out this section.

Source:Laws 2006, LB 1208, § 23; Laws 2007, LB603, § 30; Laws 2008, LB988, § 53.

Effective Date: April 3, 2008

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86-5,100. Network Nebraska; development and maintenance; access; Chief Information Officer; duties; cost; report.

The Chief Information Officer, in partnership with the University of Nebraska, shall develop and maintain a statewide, multipurpose, high capacity, scalable telecommunications network to be called Network Nebraska. The network shall consist of contractual arrangements with providers to meet the demand of state agencies, local governments, and educational entities as defined in section 79-1201.01. Such network shall provide access to a reliable and affordable infrastructure capable of carrying a spectrum of services and applications, including distance education, across the state. The Chief Information Officer shall provide access to each school district, each educational service unit, each community college, each state college, and the University of Nebraska at the earliest feasible date and no later than July 1, 2012. Access may be provided through educational service units or other aggregation points. Participation in Network Nebraska shall not be required for any educational entity. The Chief Information Officer shall aggregate demand for those state agencies and educational entities choosing to participate and shall reduce costs for participants whenever feasible. The Chief Information Officer shall establish a cost structure based on actual costs, including necessary administrative expenses but not including administrative travel or conference expenses, and shall charge participants according to such cost structure. The Chief Information Officer shall annually provide a detailed report of such costs to each participant and to the Legislative Fiscal Analyst. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

Source:Laws 2006, LB 1208, § 30; Laws 2007, LB603, § 33; Laws 2010, LB1071, § 43; Laws 2012, LB782, § 248.

Operative Date: July 19, 2012

Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006

87-801. Act, how cited.

Sections [87-801](#) to [87-807](#) shall be known and may be cited as the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006.

Source:Laws 2006, LB 876, § 1.

87-802. Terms, defined.

For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006:

(1) Breach of the security of the system means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity. Good faith acquisition of personal information by an employee or agent of an individual or a commercial entity for the purposes of the individual or the commercial entity is not a breach of the security of the system if the personal information is not used or subject to further unauthorized disclosure. Acquisition of personal information pursuant to a search warrant, subpoena, or other court order or pursuant to a subpoena or order of a state agency is not a breach of the security of the system;

(2) Commercial entity includes a corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, organization, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal entity, whether for profit or not for profit;

(3) Encrypted means converted by use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or key;

(4) Notice means:

(a) Written notice;

(b) Telephonic notice;

(c) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. 7001, as such section existed on January 1, 2006;

(d) Substitute notice, if the individual or commercial entity required to provide notice demonstrates that the cost of providing notice will exceed seventy-five thousand dollars, that the affected class of Nebraska residents to be notified exceeds one hundred thousand residents, or that the individual or commercial entity does not have sufficient contact information to provide notice. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iii) Notice to major statewide media outlets; or

(e) Substitute notice, if the individual or commercial entity required to provide notice has ten employees or fewer and demonstrates that the cost of providing notice will exceed ten thousand dollars. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Notification by a paid advertisement in a local newspaper that is distributed in the geographic area in which the individual or commercial entity is located, which advertisement shall be of sufficient size that it covers at least one-quarter of a page in the newspaper and shall be published in the newspaper at least once a week for three consecutive weeks;

(iii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iv) Notification to major media outlets in the geographic area in which the individual or commercial entity is located;

(5) Personal information means a Nebraska resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident if either the name or the data elements are not encrypted, redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable:

(a) Social security number;

(b) Motor vehicle operator's license number or state identification card number;

(c) Account number or credit or debit card number, in combination with any required security code, access

code, or password that would permit access to a resident's financial account;

(d) Unique electronic identification number or routing code, in combination with any required security code, access code, or password; or

(e) Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records; and

(6) Redact means to alter or truncate data such that no more than the last four digits of a social security number, motor vehicle operator's license number, state identification card number, or account number is accessible as part of the personal information.

Source:Laws 2006, LB 876, § 2.

87-803. Breach of security; investigation; notice to resident.

(1) An individual or a commercial entity that conducts business in Nebraska and that owns or licenses computerized data that includes personal information about a resident of Nebraska shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be used for an unauthorized purpose. If the investigation determines that the use of information about a Nebraska resident for an unauthorized purpose has occurred or is reasonably likely to occur, the individual or commercial entity shall give notice to the affected Nebraska resident. Notice shall be made as soon as possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

(2) An individual or a commercial entity that maintains computerized data that includes personal information that the individual or commercial entity does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of the security of the system when it becomes aware of a breach if use of personal information about a Nebraska resident for an unauthorized purpose occurred or is reasonably likely to occur. Cooperation includes, but is not limited to, sharing with the owner or licensee information relevant to the breach, not including information proprietary to the individual or commercial entity.

(3) Notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation. Notice shall be made in good faith, without unreasonable delay, and as soon as possible after the law enforcement agency determines that notification will no longer impede the investigation.

Source:Laws 2006, LB 876, § 3.

87-804. Compliance with notice requirements; manner.

(1) An individual or a commercial entity that maintains its own notice procedures which are part of an information security policy for the treatment of personal information and which are otherwise consistent with the timing requirements of section [87-803](#), is deemed to be in compliance with the notice requirements of section [87-803](#) if the individual or the commercial entity notifies affected Nebraska residents in accordance with its notice procedures in the event of a breach of the security of the system.

(2) An individual or a commercial entity that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with section [87-803](#) if the individual or commercial entity notifies affected Nebraska residents in accordance with the maintained procedures in the event of a breach of the security of the system.

Source:Laws 2006, LB 876, § 4.

87-805. Waiver; void and unenforceable.

Any waiver of the provisions of the Financial Data Protection and Consumer Notification of Data Security

Breach Act of 2006 is contrary to public policy and is void and unenforceable.

Source:Laws 2006, LB 876, § 5.

87-806. Attorney General; powers.

For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006, the Attorney General may issue subpoenas and seek and recover direct economic damages for each affected Nebraska resident injured by a violation of the act.

Source:Laws 2006, LB 876, § 6.

87-807. Act; applicability.

The Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 applies to the discovery of or notification pertaining to a breach of the security of the system that occurs on or after July 14, 2006.

Source:Laws 2006, LB 876, § 7.
